

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:19-cr-00036-MR-WCM**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BILLY RAY GARNER,

Defendant.

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ORDER

THIS MATTER is before the Court on the Defendant's Motion to Suppress [Doc. 12]; the Magistrate Judge's Memorandum and Recommendation regarding that motion [Doc. 28]; and the Defendant's Objections to the Memorandum and Recommendation [Doc. 32].

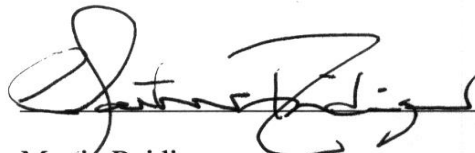
On August 19, 2019, the Honorable W. Carleton Metcalf, United States Magistrate Judge, conducted an evidentiary hearing on the motion to suppress. On December 5, 2019, the Magistrate Judge issued a Memorandum and Recommendation, recommending that the motion to suppress be denied. [Doc. 28]. After receiving an extension of time to do so [see Doc. 31], the Defendant timely filed Objections to the Memorandum and Recommendation on January 8, 2020. [Doc. 32].

Upon conducting a *de novo* review of the Memorandum and Recommendation, the Court finds that the Magistrate Judge's proposed findings of fact are correct and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby overrules the Defendant's Objections and accepts the Magistrate Judge's recommendation that the Defendant's Motion to Suppress should be denied.

IT IS, THEREFORE, ORDERED that the Defendant's Objections [Doc. 32] are **OVERRULED**; the Magistrate Judge's Memorandum and Recommendation [Doc. 28] is **ACCEPTED**; and the Defendant's Motion to Suppress [Doc. 12] is **DENIED**.

IT IS SO ORDERED.

Signed: January 9, 2020


Martin Reidinger
United States District Judge

